

Order

Michigan Supreme Court
Lansing, Michigan

April 4, 2017

Stephen J. Markman,
Chief Justice

153340

Robert P. Young, Jr.
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 153340
COA: 323903
Saginaw CC: 13-038695-FC

REUBEN RAUL MARTINEZ, SR.,
Defendant-Appellant.

By order of November 2, 2016, the prosecuting attorney was directed to answer the application for leave to appeal the January 19, 2016 judgment of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentences of the Saginaw Circuit Court for the defendant's second-degree criminal sexual conduct convictions, and we REMAND this case to the trial court for resentencing on those offenses. The defendant was improperly sentenced to 20-year maximum terms. The statutory maximum sentence for second-degree criminal sexual conduct is 15 years. MCL 750.520c(2)(a). The 12-year minimum sentences imposed on the defendant for the second-degree criminal sexual conduct convictions exceed two-thirds of the statutory maximum sentence of 15 years. See MCL 769.34(2)(b). On remand, the trial court shall resentence the defendant to valid sentences for his second-degree criminal sexual conduct convictions.

In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



s0327

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 4, 2017


Clerk